

LEGISLATIVE SUMMARY



2005 Legislative Year

A compilation of legislation from the first half of the 2005-2006 Legislative Session affecting the Department of Toxic Substances Control

State of California

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Introduction

This report summarizes all bills considered by the California State Legislature during the first Legislative year of the 2005-2006 Legislative Session that either directly or indirectly affects the Department of Toxic Substances Control's (DTSC) mission and programs. This includes bills that will be carried over to the 2006 Legislative Year (two-year bills) and bills introduced in the 2005 Legislative Year. Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but disapproved by the Governor (veto messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1, 2006 of the following year. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

<p><i>DTSC's 2005 Legislative Summary can also be viewed on its internet site:</i> <i>http://www.dtsc.ca.gov</i></p>

Acronyms

AB	Assembly Bill
AESTM	Assembly Committee on Environmental Safety and Toxic Materials
ARB	Air Resources Board
BDO	Boards, Departments and Offices within Cal/EPA
BOE	Board of Equalization
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CUPA	Certified Unified Program Agency
DHS	Department of Health Services
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
OEHHA	Office of Environmental Health Hazard Assessment
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SR	Senate Resolution
SOR	Senate Committee on Rules
SEQ	Senate Committee on Environmental Quality
State	The State of California
SWRCB	State Water Resources Control Board
US EPA	United States Environmental Protection Agency

Assembly Bills

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- AB 90 Laird – 2005-2006 Budget Act (2 Year Bill)**
AB 90 would make appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California.
- AB 124 Dymally – Civil Service: Equal Opportunity Programs (ch. 644, stats 2005)**
AB 124 requires each state agency to establish an equal opportunity program to ensure that the state policy of providing equal access to state jobs, work assignments, training, and other employment-related opportunities for all qualified job applicants and employees, based on merit and nondiscrimination in every aspect of personnel policies and employment practices, is fully implemented. This bill requires the State Personnel Board to conduct specified activities, including the collection of specific employment data based on race, ethnicity, gender, and disability.
- AB 137 Committee on Public Resources: Budget – (ch. 521, stats. 2005)**
AB 137 requires the City of Long Beach to adopt and transmit to the State Lands Commission a resolution declaring that specified oil revenue is insufficient to fund specified costs. This bill provides that, from the date the balance in the Oil Trust Fund totals \$300,000,000, all interest earned thereafter shall be transferred to the General Fund. In addition, all money remaining in the fund after completion of specified remediation activities shall be transferred to the General Fund.
- AB 156 Committee on Budget – Budget Act of 2004: Contingencies and Emergencies (ch. 7, stats. 2005)**
AB 156 provides for an appropriation in augmentation of the Budget Act of 2004, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state. This bill would appropriate \$31,585,927, as scheduled, in augmentation of these Budget Act appropriations.
- AB 219 Nakanishi – State Agencies: Publications (2 Year Bill)**
AB 219 would require all State departments, commissions, and agencies to submit an electronic copy of each publication issued to the State Library. This bill would have required the State Library to create and maintain a Web site that includes a monthly or quarterly list of each state publication issued during the immediately preceding month or quarter and that provides access to an electronic copy of each publication.
- AB 271 Blakeslee – State Employees: Scientists (2 Year Bill)**
AB 271 would provide that a person appointed to any state scientist class on or after January 1, 2006, shall, at a minimum, have a baccalaureate degree in a scientific discipline from a foreign or domestic accredited university.
- AB 274 Baca – State Employees: Paid Leave: Education (2 Year Bill)**
AB 274 would authorize employees of State Bargaining Unit 10 and employees in classifications corresponding to those in State Bargaining Unit 10, but excluded from collective bargaining under the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1) to be granted up to three days of paid leave per fiscal year to attend professional development courses.
- AB 275 Baca – Drug Dealer Liability Act: Civil Liability: Manufacture (ch. 88, stats. 2005)**
AB 275 revises the definition of "marketing of illegal controlled substances" to mean the possession for sale, sale, or distribution of a specified illegal controlled substance to include the manufacture of the illegal controlled substance. This bill makes a conforming change to a related provision and declares that the changes made by the bill do not constitute changes in, but is declaratory of, existing law.
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- AB 283 Koretz – Ephedrine and Pseudoephedrine: Retail Sale (2 Year Bill)**
AB 283 would provide that the dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine be subject to specified additional requirements. A retailer would be required to store and display the product in a locked cabinet or as specified and the transaction would be required to be made by a retailer or employee of a retailer who meets specified requirements. A violation of any of these provisions would be a misdemeanor, punishable as specified.
- AB 284 Bermudez – State Employees: Salary Ranges: Professional Scientists (2 Year Bill)**
AB 284 would require the Department of Personnel Administration (DPA) to establish and adjust salary ranges for employees in State Bargaining Unit 10, unless the employees are represented by an employee organization that has been granted exclusive recognition by the state, and state employees in classifications corresponding to those in State Bargaining Unit 10, but excluded from collective bargaining under the Ralph C. Dills Act. The bill would require DPA and the employee organization that has been recognized as the exclusive representative for State Bargaining Unit 10 to jointly survey annually and calculate the estimated average total compensation for comparable services in other public and private employment, and would have required DPA and the California Association of Professional Scientists, as an employee organization representing employees excluded from collective bargaining, to jointly survey annually and calculate the estimated average total compensation for comparable services in other public and private employment. It would require the department to annually submit to the Legislature reports containing the surveys' findings, and would require the department to take into consideration the information contained in these reports prior to making salary recommendations for these state employees. The implementation of new pay scales based on the survey results would be subject to collective bargaining.
- AB 338 Levine – Recycling: Crumb Rubber (ch. 709, stats. 2005)**
AB 338 defines the terms "asphalt containing crumb rubber" and "rubberized asphalt concrete" and would require the Department of Transportation (DOT) to require the use of crumb rubber (CRM) at a specified percentage, per metric ton, of the total amount of asphalt paving materials used for state highway construction or repair projects that use asphalt as a construction material. The bill requires the amount of asphalt paving materials containing crumb rubber, on and after January 1, 2007, to be not less than 6.62 pounds of CRM per metric ton of the total amount of asphalt paving materials used. The bill requires the Secretary of Business, Transportation and Housing, on or before January 1, 2009, and on or before January 1 annually thereafter, to prepare a specified analysis comparing the cost differential between asphalt containing crumb rubber and conventional asphalt.
- AB 403 LaMalfa – Hazardous Materials Unified Program Agency: Minor Violation Business Plans: Propane (ch. 388, stats. 2005)**
AB 403 deletes the repeal of the definition of the term "minor violation" and the repeal of the provisions requiring the enforcement of minor violations, thereby continuing the effect of those provisions indefinitely and imposing a state-mandated local program by imposing new duties upon local agencies and creating a new crime.
- AB 465 Cogdill – Controlled Substances: Iodine (ch. 468, stats. 2005)**
AB 465 deletes the provision prohibiting the sale or purchase of eight ounces of iodine in any 30-day period. This bill adds iodine, tincture of iodine, and phosphorous acid and its salts to the list of substances with respect to which transactions must be reported and for which a permit to conduct business must be obtained, except in specified circumstances.
- AB 492 Baca – Hazardous Materials: Perchlorate: Business Plans (2 Year Bill)**
AB 492 would require a business to include, as part of its business plan and any updates to that business plan, information detailing the manner in which perchlorate waste generated onsite is disposed or otherwise handled.
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- AB 574 Wolk – Recycled Concrete (ch. 693, stats. 2005)**
AB 574 authorizes the use of recycled concrete materials, as defined, if the user has been fully informed that the concrete may contain recycled concrete materials.
- AB 575 Wolk – Electronic Waste Recycling (ch. 59, stats. 2005)**
AB 575 defines the term "vendor" as a person who makes a sale of a covered electronic device for the purpose of resale to a retailer who is the lessor of the device to a consumer under a lease that is a continuing sale and purchase. The bill allows a retailer to elect to pay the covered electronic waste recycling fee on behalf of the consumer by paying the covered electronic waste recycling fee to the retailer's vendor. The bill provides that if the retailer makes this election, the covered electronic waste recycling fee is a debt owed by the vendor to the state, and the retailer is not liable for the fee. The bill also provides that if the retailer makes this election, the vendor may retain three percent of the covered electronic waste recycling fee for costs associated with the collection of the fee.
- AB 597 Montanez – Response Actions: Brownfield Sites (2 Year Bill)**
AB 597 would revise the public participation procedures that are required to be included in the response plan, including requiring the DTSC to notify all other appropriate governmental entities and local agencies, including, but not limited to, the department, the Regional Water Quality Control Board (RWQCB), or redevelopment agency, that is not party to the response plan regarding the proposed response action. This bill would require the RWQCB to provide reasonable public notice in English and other languages commonly spoken in the area for public review and comment. This bill would also require the RWQCB to hold a public meeting in the area to receive comments if a public meeting is requested. The bill would require the regional board to consider any comments prior to acting on the response plan and to consider the use of factsheets, electronic copies of the response plan and site assessment, electronic comment forms, and the forming of advisory groups as appropriate to disseminate information and assist the regional board in gathering public input, public notices, and additional public meetings or workshops.
- AB 648 Jones – Development Projects: Disclosure Requirements (Vetoed)**
AB 648 would have required that a list required from applicants for a development project include the identity of the persons or entities that will own, lease, or occupy the project if different from the person or entity applying for the development permit.
- AB 721 Nunez – Metal Plating Facilities: Pollution Prevention Fund (ch. 695, stats. 2005)**
AB 721 requires the Business, Transportation and Housing Agency (BTH), in collaboration with the DTSC, the Air Resources Board (ARB), and the State Water Resources Control Board (SWRCB), to develop a loan guarantee program, for chrome plating facilities to assist those facilities to upgrade, replace, or purchase environmental control technologies; require DTSC to establish a Model Shop Program in northern California, similar to the existing program in Southern California, and require the money in the newly created Chrome Plating Pollution Prevention Fund to be expended by BTH, upon appropriation by the Legislature, to make specified loan guarantees to qualified chrome plating businesses.
- AB 816 Lieber – Hazard Evaluation System and Information Service (Vetoed)**
AB 816 would have required that upon written request from the repository within the Department of Industrial Relations and the Department of Health Services (DHS), chemical manufacturers, suppliers, distributors, importers, and their agents are to provide to the repository names and addresses of customers who have purchased specified chemicals or commercial products containing chemicals which can be possible hazards to employees.
- AB 906 Houston – Income Taxes: Credits: Construction Costs: Qualified Developments (2 Year Bill)**
AB 906 would authorize a credit against taxes under personal and corporation taxes on or after January 1, 2005 in an amount equal to 15% of costs paid or incurred during the taxable year for the construction or redevelopment of a qualified development.
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AB 908 Chu – Cosmetics (2 Year Bill)

AB 908 would provide that any cosmetic is considered to be misbranded if sold by Internet Web Sites where the list of ingredients is not easily and readily available to be viewed by the prospective purchaser before the purchase is completed. This bill would also prohibit a person or entity from manufacturing, selling, or distributing in commerce, any cosmetic that contains dibutyl phthalate (DBP) or di-(2-ethylhexyl) phthalate (DEHP) on or after January 1, 2007.

AB 923 Chavez – Fireworks: Sale: Disposal (2 Year Bill)

AB 923 would authorize the sale of safe and sane fireworks from December 26 through January 1 (of what year??) pursuant to a license issued by the State Fire Marshall, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of the fireworks.

AB 1034 Spitzer – Controlled Substances: Methamphetamine: Manufacture by Chemical Means: Increased Incarceration (2 Year Bill)

AB 1034 would increase the time in State prison for the manufacture of methamphetamine by chemical extraction or independently by means of chemical synthesis up to 5, 7, or 9 years.

AB 1065 Matthews – Kitchen Grease: Transporters (ch. 533, stats. 2005)

AB 1065 defines "interceptor grease" for purposes of regulation, including setting fees for transporters of interceptor grease. This bill requires licensed renderers to be registered as transporters in order to transport inedible kitchen grease. As a condition of registration as a transporter, the applicant must demonstrate the ability to respond to specified damages by means of an insurance policy or bond not less than \$2,000,000. The Department of Food and Agriculture is authorized to refuse registration to an applicant if certain conditions are found.

AB 1078 Keene, Liu – Contaminated Property: Methamphetamine (ch. 570, stats. 2005)

AB 1078 enacts the Methamphetamine (meth) Contaminated Property Cleanup Act of 2005 and establishes interim remediation standards for meth, mercury and lead (the later two only when used in the making of meth). These standards will become inoperative when DTSC, with guidance from the Office of Environmental Health Hazard Assessment (OEHHA), adopts a health-based target remediation standard for meth. This bill also establishes a remediation management program for local governments to use in cleaning up properties contaminated by the illegal manufacturing of meth. This bill is double joined with SB 536 (Bowen).

AB 1125 Pavley – Rechargeable Battery Recycling Act (ch. 572, stats. 2005)

AB 1125 enacts the Rechargeable Battery Recycling Act of 2006 and requires, on and after July 1, 2006, a retailer of rechargeable batteries sold in California to have a system in place for the acceptance and collection of used rechargeable batteries for reuse, recycling, or proper disposal with specified elements, including the take-back at no cost to the consumer of a used rechargeable battery; prohibit the sale of a rechargeable battery to a consumer in California after July 1, 2006, unless the retailer of that battery complies with the act; and require DTSC, by July 1, 2007, and each July 1 thereafter, to survey battery handling or recycling facilities and to post on its Internet Web site the estimated amount by weight of each type of rechargeable batteries returned for recycling in California during the previous calendar year.

AB 1168 Saldana – Drinking Water Standards (Vetoed)

AB 1168 would have required that DHS, while reviewing an application for a water system operating permit for a groundwater or ocean water desalination project, to identify potential contaminants and sources of contamination and ensure the safety and effectiveness of treatment processes.

AB 1186 Horton, Jerome – State Civil Service (2 Year Bill)

AB 1186 would provide that the Department of Personnel Administration not establish, adjust, or recommend a salary range for any excluded or exempt employees that is less than the recommendation established by procedures of the Excluded and Exempt Compensation Advisory Compensation Commission, which would be created by this bill.

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- AB 1193 Hancock – Recycling: Compact Discs and Digital Versatile Discs (2 Year Bill)**
AB 1193 would prohibit the distribution or mass mailing of compact discs (CDs) or digital versatile discs (DVDs) for commercial purposes to households that are assessed a solid waste fee, without the consent of a person in the household, unless the recipient is provided a postage paid return mailing label or similar return mechanism. This bill would also require that a person who sells or provides a disposable CD or disposable DVD to a consumer in this State to include a postage prepaid mailing envelope or similar no-cost-to-the-consumer mechanism for returning the disc.
- AB 1202 Laird – Military and Aerospace Support Act (ch. 330, stats. 2005)**
AB 1202 changes obsolete references of the “Defense Conversion Council” to the Office of Military and Aerospace Support and revise the definition of military base. This bill also specifies that the Director of Planning and Research shall select a mediator in consultation with the federal Office of Economic Adjustment prior to 120 days for the effective date of the base closure decision.
- AB 1232 Horton, Jerome – Hazardous Substances: Cleanup Program (2 Year Bill)**
AB 1232 would expand the environmental fee, the main funding source for DTSC’s contaminated site cleanup, hazardous materials laboratory, and pollution prevention activities, to include limited liability corporations, limited partnership, general partnership, limited liability partnerships, and sole proprietorships with 50 or more employees. The bill would further direct DTSC to report to the Governor and the Legislature on the prior fiscal year’s expenditure of the fees as collected.
- AB 1279 Ruskin – Hazardous Substances: Military Base Remediation: Oversight (2 Year Bill)**
AB 1279 would delete the reference to the 2003 Budget Act that relates to authority for DTSC and the SWRCB to retain staff positions that provide oversight and related support of remediation activities at military or closed military sites; or who are funded directly or indirectly by federal grants. Deleting this reference would allow DTSC and the SWRCB to retain the authority to keep these staff positions continuously as opposed to only having it for the 2003 fiscal year.
- AB 1295 Bermudez – Fireworks: Sale: Disposal (2 Year Bill)**
AB 1295 would authorize the sale of safe and sane fireworks from December 26 through January 1 of each year pursuant to a license issued by the State Fire Marshall, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of the fireworks. The provisions of this bill would become inoperative on January 2, 2012 and be repealed on January 1, 2013.
- AB 1317 Ruskin – Environmental Laboratories (ch. 406, stats. 2005)**
AB 1317 would repeal, recast, and re-enact specific sections of the Health and Safety Code, which concern the certification or accreditation of environmental testing laboratories by the Environmental Laboratory Accreditation Program (ELAP) of DHS. This bill authorizes DHS to offer both State accreditation and National Environmental Laboratory Accreditation Program (NELAP) accreditation. This bill would set forth the duties and responsibilities of DHS in accrediting and monitoring environmental laboratories, and would authorize DHS to adopt implementing regulations.
- AB 1333 Frommer – Grease Waste Haulers (2 Year Bill)**
AB 1333 would prohibit a grease waste hauler from removing grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal. This bill would subject a grease waste hauler to a civil penalty for a violation of these provisions and would allow for the enforcement of these provisions only against the grease waste hauling company.
- AB 1341 Committee on Environmental Safety and Toxic Materials – California Pollution Control Financing Authority (2 Year Bill)**
AB 1341 would allow the California Pollution Control Financing Authority to increase the amount of grants and loans from \$5,000,000 to \$7,500,000 and extend the operation of the program until January 1, 2012.
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AB 1342 Committee on Environmental Safety and Toxic Materials – Hazardous Material (ch. 577, stats. 2005)

AB 1342 would allow the owner or operator of a facility to make certain Class I permit modifications for minor equipment replacements or upgrades without providing prior notice to DTSC; require DTSC to seek a determination from the United States Environmental Protection Agency (USEPA) as to the regulatory status of facilities that store for more than ten days railcars that contain a residual heel of hazardous waste; and extend until January 1, 2009, the authorization for DTSC to impose post-closure plan requirements through an enforcement order or an enforceable agreement in lieu of a post-closure permit.

AB 1415 Pavley – Hazardous Waste: Mercury Relays and Switches (ch. 578, stats. 2005)

AB 1415 prohibits the sale and distribution in California of certain mercury-added measuring devices and medical equipment, and mercury-added switches and relays (individually or as product components), effective July 1, 2006. This bill applies only to new and refurbished products, and would provide various self-implementing conditioned exemptions from this ban for each of the affected product types. This bill provides a process by which a manufacturer could obtain an exemption from the mercury switch/relay ban if specified conditions are met and the manufacturer or a trade group submits an exemption request meeting specified content requirements to DTSC.

AB 1471 McCarthy – Acute Orphan Well Account (ch. 336, stats. 2005)

AB 1471 requires that the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation impose a fee on the person operating each oil and gas well in the State, or owning royalty or other interests in respect to the production from the well, and upon each person operating each idle well in the State. Unless subsequently authorized by the Legislature, this bill would prohibit the Division from collecting the fees after January 1, 2008. The revenue from those fees will be deposited in the Acute Orphan Well Account, which is to be established by this bill.

AB 1625 Klehs – State Government: Reports: Declarations (Vetoed)

AB 1625 would have required gubernatorial appointees requiring Senate confirmation to include within any report required by their agency, board or commission for submittal to the Legislature, a signed statement by that appointee declaring that the contents of the report are true, accurate and complete to the best of his or her knowledge. Special conditions would have applied for the Franchise Tax Board and the Board of Equalization; and this bill would have made it a misdemeanor, punishable by penalties of up to \$5000 or imprisonment in the county jail for a period of no more than six months, should such an appointee knowingly state the information contained in the report is true when it is not.

AB 1693 Matthews – California Pollution Control Financing Authority (2 Year Bill)

AB 1693 would require that a project financed by the California Pollution Control Financing Authority (Authority) result in a quantifiable reduction in pollution, require that the pollution reduction attributed to the project be verified by an independent third party, and require the Authority to prepare and submit to the Legislature an annual report on the amounts and types of pollution reduced.

AB 1721 Pavley – Environmental Education (ch. 581, stats. 2005)

AB 1721 would repeal the requirement for school district's governing boards, when adopting instructional materials for use in schools, to include only materials that accurately portray the educational principles for the environment.

SENATE BILLS

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- SB 52 Chesbro – 2005-2006 Budget (2 Year Bill)**
SB 52 would make appropriations for the support of State government for the 2005-06 fiscal year.
- SB 71 Committee on Budget and Fiscal Review – Resources (ch. 81, stats. 2005)**
SB 71 requires that \$12 million dollars be made available from the continuously appropriated fund (Salton Sea Restoration Fund) for transfer or direct expenditure for acquisition, grants or other related activities that directly restore the Salton Sea.
- SB 104 Ortiz – Public Health Orders: Enforcement (ch. 478, stats. 2005)**
SB 104 authorizes local peace officers to enforce the orders of the DHS and of the local health services for the purpose of preventing the spread of any contagious, infectious, or communicable disease and would authorize the Director of DHS and the local health officer to consider whether a request for enforcement assistance would necessitate measures to be taken to prevent the infection of enforcement officers when requesting their assistance.
- SB 153 Chesbro – California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006 (2 Year Bill)**
SB 153 would enact the California Clean Water, Safe neighborhood Parks, and Coastal Protection Act of 2006 which would authorize the financing of a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the State, and as specified, issue bonds in the amount of \$3.945 million dollars for the purpose of enacting the Act.
- SB 187 Soto – Drinking Water: Contaminants (2 Year Bill)**
SB 187 would require the Office of Environmental Health Hazard Assessment (OEHHA) to revise the public health goal for perchlorate in drinking water as soon as possible after new methods for analyzing pathways of exposure become available to OEHHA, or after new findings indicate that the public health goal is insufficient to protect vulnerable populations.
- SB 228 Figueroa – Geologists and Geophysicists: Professional Engineers and Land Surveyors (ch. 657, stats. 2005)**
SB 228 makes provisions for the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs which requires the appointment of an Executive Officer and the authority to make rules and regulations regarding land surveyors to become inoperative and repealed on July 1, 2008, and January 1, 2009 respectively.
- SB 357 Dunn – Ammunition: Serialized Hand Gun Ammunition (2 Year Bill)**
SB 357 would establish a program requiring the serialization of handgun ammunition, as defined, to be enforced by the Department of Justice. This bill would require, beginning on January 1, 2009, that handgun ammunition be serialized, and the manufacture and transfer of non-serialized ammunition would be an offense, as specified.
- SB 419 Simitian – Hazardous Materials: Transportation: Railroad Tank Cars (2 Year Bill)**
SB 419 would require the Office of Emergency Services (OES) to create and maintain a hazardous rail tank car database which would contain information including a current certificate of compliance provided by the legal owner or lessee of the rail tank car stating that the rail tank car meets certain standards. SB 419 would also authorize OES to charge a rail tank car owner or lessee a fee sufficient to maintain the database and would provide that a rail tank car that is listed on the database is a registered hazardous tank car. This bill would require the legal owner or lessee to present to an official of the railroad, at the point of transfer, the certificate of compliance when delivering a hazardous tank car containing certain hazardous materials to a railroad.
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- SB 423 Simitian – Hazardous Waste: Mercury Relays and Switches: Exemption (2 Year Bill)**
SB 423 would define the terms “mercury relay” and “mercury switch” and would authorize a manufacturer selling a mercury relay or mercury switch, or a person selling a mercury relay or mercury switch, to apply to DTSC for an exemption from the prohibition on the sale or distribution of a mercury relay or mercury switch proposed under Assembly Bill 1415. This bill would specify the information required to be included in the exemption application and require manufacturers to pay a fee set by DTSC, including requiring the manufacturer to pay the fee on behalf of a seller who applies for an exemption. This bill prohibits DTSC from granting an exemption until specified conditions are met with regard to the review of the fee by the Department of Finance (DOF). DTSC would be required to deposit the collected fees in to the Hazardous Waste Control Account in the General Fund, and would authorize DTSC to expend the fee revenues, upon appropriation by the Legislature, to review and approve exemption requests.
- SB 471 Escutia – Hazardous Materials Release: Remediation (ch. 586, stats. 2005)**
SB 471 deletes language in the California Land Environmental Restoration and Reuse Act of 2001 (CLERRA) excluding from the definition of “property,” a site which has one or more full-time equivalent employees on an annualized basis. Therefore, such a site would qualify as “property” for the purposes of obtaining the liability protections afforded by CLERRA.
- SB 490 Lowenthal – Toxic Substances List: Netherlands (2 Year Bill)**
SB 490 would require that OEHHA not include any substance that is listed pursuant to Proposition 65 in the compiled listing of substances recognized as posing hazards to human health or the environment. This bill would require the Director of OEHHA to report to the Legislature, no later than March 1, 2006, the actions being taken by the Government of the Netherlands to protect their citizens from substances recognized as posing hazards to human health or the environment and to post on the OEHHA website specified findings regarding those substances and the methodology used by the Government of the Netherlands to rapidly analyze chemicals in commerce.
- SB 536 Bowen – Illegal Drug Lab Cleanup Account: Methamphetamine (ch. 587, stats. 2005)**
SB 536 allows DTSC, by using funds from the Illegal Drug Lab Cleanup Account (IDLCA), with guidance from OEHHA, to develop a health-based remediation standard for methamphetamine by October 1, 2007, develop sampling and analytical methods for the collection of meth residue, develop investigation and cleanup procedures for use in the remediation of meth by October 1, 2009, and to the extent funds are available, direct DTSC, with guidance from OEHHA, to develop health-based standards for iodine, methyl iodide, and phosphine by October 1, 2008. This bill is double joined with Assembly Bill 1078 (Keene, Liu).
- SB 600 Ortiz – Biomonitoring (Vetoed)**
SB 600 would have required the Division of Environmental and Occupational Disease Control within the Department of Health Services to establish the Healthy Californians Biomonitoring Program to monitor the presence and concentration of designated chemicals in Californians.
- SB 648 Margett – CEQA: Lead Agencies: Dererminations (ch. 267, stats. 2005)**
SB 648 establishes time periods for public review and for review and comment by State agencies as established by the State Clearinghouse of these documents. This bill provides that, for purposes of provisions requiring the designation by the office of a lead agency, a “dispute” means a contested, active difference of opinion between 2 or more public agencies as to which of those agencies shall prepare any necessary environmental document, and that a dispute exists where a public agency claims that it either has or does not have the obligation to prepare an environmental document. The bill would prohibit the Office of Planning and Research from designating a lead agency in the absence of such a dispute.
- SB 655 Ortiz – Asbestos (2 Year Bill)**
SB 655 would require that a Notice of Intention filed with the Department of Real Estate along with an application for a public report, include a statement indicating that the property is within an asbestos hazard zone and to provide a specified notice.
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- SB 674 Perata –Oakland Army Base Public Trust Exchange Act (ch. 664, stats. 2005)**
SB 674 enacts the Oakland Army Base Public Trust Exchange Act, and authorizes an exchange of public trust lands within the Oakland Army Base redevelopment property so that both public and private interests can best be served.
- SB 704 Speier – State Employees: Protective Clothing (2 Year Bill)**
SB 704 would require that when a collective bargaining agreement in which the State is a party requires the State employer to provide, or provide allowances or other funds to cover all or some of the costs of uniforms, wearing apparel, or other protective clothing for employees who primarily work outside during certain hours, the clothing shall screen the employee from the harmful effects of ultraviolet radiation.
- SB 771 Simitian – Oceangoing Ships (ch. 588, stats. 2005)**
SB 771 prohibits an oceangoing ship from conducting onboard incineration while operating within three miles of the California coast.
- SB 785 McClintock – CEQA: Procedure (2 Year Bill)**
SB 785 would require that within 15 days of the filing of an action or proceeding to attack, review, set aside, void, or annul any acts or decision by a public agency on the grounds of non-compliance with CEQA comply with specified procedures and timelines. This bill would require within 15 days of the filing of an action, as specified, in which an entity that is not a natural person is the petitioner that the petitioner file a Certification of Interested persons that lists all persons, associations of persons, firms, partnerships, corporations, and any other entity that the petitioner that are known by the petitioner to have either a financial interest in the subject matter of the controversy or any other kind of interest that could be substantially affected by the outcome of the action or proceeding. This bill exempts governmental entities or agencies from the specified requirements.
- SB 792 Chesbro – North Coast Railroad Authority (Vetoed)**
SB 792 would have provided, based on the recent forgiveness of a federal loan, \$5.5 million in Transportation Congestion Relief Program (TCRP) funds to the North Coast Railroad Authority (NCRA) for compliance with an environmental remediation consent decree and for administrative activities, and direct that any portion of the \$5.5 million not expended by June 30, 2009 be transferred to the General Fund.
- SB 796 Figueroa – State Government Operations: Accountability (ch. 686, stats. 2005)**
SB 796 would enact the Government Modernization, Efficiency, Accountability, and Transparency Act of 2005, which would require until January 1, 2012, every State agency that issues permits or licenses or accepts applications, proposals, bids, or similar requests, to post on a web site, no later than January 1, 2007, a link for “customer service” which will contain specified information for frequently asked questions.
- SB 822 Margett – San Gabriel Basin Restoration (ch. 271, stats. 2005)**
SB 822 authorizes the San Gabriel Basin Water Quality Authority to receive State funds in connection with those cleanup projects for the purpose of meeting a certain federal requirement for nonfederal matching funds.
- SB 832 Perata – CEQA: Infill Development (2 Year Bill)**
SB 832 would exempt from the California Environmental Quality Act (CEQA) an infill project located within an urbanized area that is not more than four acres in total area and does not contain more than 100 residential units, unless otherwise specified by this bill.
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SB 849 Escutia – Environmental Health Data Tracking (2 Year Bill)

SB 849 would require the establishment of the Interagency Office of Environmental Health Tracking within the Department of Health Services Division of Environmental and Occupational Disease Control for the purpose of implementing the California Health Tracking Program. This bill would require DHS and CalEPA to each provide one 50% time research scientist as staff for the new office. This bill states the Legislature's intent to provide funding to the department and the Cal/EPA for those research scientist positions in the 2005-06 Budget Act. This bill would prescribe the office's objectives over a three-year period and would require the office to complete certain duties during the first year after it is established. This bill would also require any additional funding for the office, beyond funding that the Legislature may appropriate for the research scientists, to come from federal or private sources. This bill would require that its provisions be implemented only if DHS and CalEPA receive funding in the 2005-06 Budget Act for the two 50% time research scientist positions, and if the DOF makes a determination that sufficient federal or private moneys have been made available to the state to fully implement the bill.

SB 922 Ducheny –Public Records: California Native American Places: Archaeological Information (ch. 670, stats. 2005)

SB 922 exempts records of specified Native American graves, cemeteries, and sacred places from disclosure requirements in the California Public Records Act. This exemption includes records maintained by, or in the possession of, another State agency or a local agency.

SB 935 Ducheny – Tribal Gaming: Compact Ratification (2 Year Bill)

SB 935 as introduced would have required DTSC, by March 1, 2006, to submit a report to the Governor and the Legislature on the progress of the site evaluation and cleanup of the groundwater at the Topock Compressor Station in the County of San Bernardino. The bill would have required DTSC to include in the report a response to comments received during a 15-day comment period that DTSC would be required to hold before finalizing the report. As this bill was gutted and amended, it no longer affected DTSC.

SB 954 Figueroa – Information Technology Goods and Services: Procurement (ch. 556, stats. 2005)

SB 954 requires the Department of General Services (DGS), on or before January 1, 2007, to develop policies and guidelines for the procurement of information technology goods and services, including identifying and documenting information for requests for proposals, publishing policies regarding obtaining bids for and acquiring information technology, establishing a centralized entity responsible for information technology procurement methods within DGS, developing uniform standards, with at least two public hearings, for information technology procurement and communicating rules and requirements to vendors and the general public.

SB 982 Committee on Environmental Quality – Hazardous Waste: Enforcement (2 Year Bill)

SB 982 would require the enforcement coordinator at DTSC to establish and maintain a website for receiving reports concerning violation of the hazardous waste control laws and any other statutes and regulations that govern hazardous waste.

SB 1058 Campbell – Recycling Residue (2 Year Bill)

SB 1058 would eliminate the requirement in the California Integrated Waste Management Act of 1989 that results of evaluations on the use of recycling residue be reported in the Board's annual report to the Legislature.

SB 1067 Kehoe – Drinking Water (Vetoed)

SB 1067 would have required OEHHA, by January 1, 2007, to adopt a public health goal for total trihalomethanes and by January 1, 2008, for total haloacetic acids, and would have required the DHS to adopt regulations to ensure that any public water system that has levels of total trihalomethanes or total haloacetic acids that pose a potential risk to the public health notifies its customers of the public health risks. These risks include any risks to pregnant women, from the contaminant and would set forth specific notices to be included in the consumer confidence report if public water systems exceed the maximum contamination levels for those contaminants.

SR 8**Torlakson – Relative to Transportation and Housing (2 year Bill)**

SR 8 states that the Senate places a high priority during the 2005-06 Regular Session of the Legislature on improving access to housing and reducing traffic congestion by promoting affordable housing, infill development, and other policies that allow people to live closer to their workplaces.

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Administration:

AB 90	Laird	2005-06 Budget	2 Year Bill
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AB 137	Committee on Budget	Resources	Statutes of 2005, Chapter 521
AB 156	Committee on Budget	Budget Act of 2004	Statutes of 2005, Chapter 7
AB 219	Nakanishi	State Agencies: Publications	2 Year Bill
AB 271	Blakeslee	State Employees: Scientists	2 Year Bill
AB 274	Baca	State Employees: Paid Leave: Education	2 Year Bill
AB 284	Bermudez	State Employees: Salary Ranges: Professional Scientists	2 Year Bill
AB 1186	Horton, Jerome	State Civil Service	2 Year Bill
AB 1279	Ruskin	Hazardous Substances: Military Base Remediation: Oversight	2 Year Bill
AB 1625	Klehs	State Government: Reports: Declarations	Vetoed
SB 52	Chesbro	2005-06 Budget	2 Year Bill
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SB 796	Figueroa	State Government Operations: Accountability	Statutes of 2005, Chapter 686
SB 922	Ducheny	Public Records: California Native American Places: Archaeological Information	Statutes of 2005, Chapter 670
SB 954	Figueroa	Information Technology Goods and Services: Procurement	Statutes of 2005, Chapter 556
SB 982	SCEQ	Hazardous Waste: Enforcement	2 Year Bill

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AB 597	Montanez	Response Actions: Brownfield Sites	2 Year Bill
AB 906	Houston	Income Taxes: Credits: Construction Costs: Qualified Developments	2 Year Bill
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AB 283	Koretz	Ephedrine and Pseudoephedrine: Retail Sale	Statutes of 2005, Chapter 468
AB 465	Cogdill	Controlled Substances: Iodine	
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AB 1078	Keene	Contaminated Property: Methamphetamine	Statutes of 2005, Chapter 570
SB 536	Bowen	Illegal Drug Lab Cleanup Account: Methamphetamine	Statutes of 2005, Chapter 587

Cruise Ship Waste:

SB 771	Simitian	Oceangoing Ships	Statutes of 2005, Chapter 588
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Electronic Waste:

AB 575	Wolk	Electronic Waste Recycling	Statutes of 2005, Chapter 59
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Environmental Education:

AB 1721	Pavley	Environmental Education	Statutes of 2005, Chapter 581
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AB 1232	Horton, Jerome	Hazardous Substances: Cleanup Program	2 Year Bill
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Hazardous Materials:

AB 263	Chan	Toxic Substances	2 Year Bill
AB 338	Levine	Recycling: Crumb Rubber	Statutes of 2005, Chapter 709
AB 403	LaMalfa	Hazardous Materials Unified Program Agency: Minor Violation	Statutes of 2005, Chapter 388
AB 816	Lieber	Hazard Evaluation System and Information Service	Vetoed
AB 908	Chu	Cosmetics	2 Year Bill
AB 1168	Saldana	Drinking Water Standards	Vetoed
AB 1317	Ruskin	Environmental Laboratories	Statutes of 2005, Chapter 406
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AB 923	Chavez	Fireworks: Sale: Disposal	2 year Bill
AB 1065	Matthews	Kitchen Grease: Transporters	Statutes of 2005, Chapter 533
AB 1295	Bermudez	Fireworks: Sale: Disposal	2 Year Bill
AB 1333	Frommer	Grease Waste Haulers	2 Year Bill
AB 1415	Pavley	Hazardous Waste: Mercury Relays and Switches	Statutes of 2005, Chapter 578
SB 357	Dunn	Ammunition: Serialized Handgun Ammunition	2 year Bill

SB 423	Simitian	Hazardous Waste: Mercury Relays And Switches: Exemption	2 Year Bill
SB 935	Ducheny	Tribal Gaming: Compact Ratification	2 Year Bill
SB 1058	Campbell	Recycling Residue	2 Year Bill

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SB 600	Ortiz	Biomonitoring	Vetoed

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SB 153	Chesbro	California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006	2 Year Bill
SB 674	Perata	Oakland Army Base Public Trust Exchange Act	Statutes of 2005, Chapter 664
SB 792	Chesbro	North Coast Railroad Authority	Vetoed
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AB 2707	Cogdill	State Regulatory Fees: Counties: Notifications	Dead
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Metal Plating Facilities:

AB 721	Nunez	Metal Plating Facilities: Pollution Prevention Fund	Statutes of 2005, Chapter 695
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PCE/Perchlorate:

AB 492	Baca	Hazardous Materials: Perchlorate: Business Plans	2 Year Bill
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Recycling:

AB 574	Wolk	Recycled Concrete	Statutes of 2005, Chapter 693
AB 1125	Pavley	Rechargeable Battery Recycling Act	Statutes of 2005, Chapter 572
AB 1193	Hancock	Recycling: Compact Discs and Digital Versatile Discs	2 Year Bill
SB 1058	Campbell	Recycling Residue	2 Year Bill

Site Mitigation/Site Cleanup/Corrective Action:

AB 1693	Matthews	California Pollution Control Financing Authority	2 Year Bill
SR 8	Torlakson	Relative to Transportation and Housing	2 Year Bill

Underground Storage Tanks:

AB 1471	McCarthy	Acute Orphan Well Account	Statutes of 2005, Chapter 336
SB 1115	Perata	Underground Storage Tanks: Corrective Action	2 Year Bill

Water Issues:

SB 1067

Kehoe

Drinking Water

Vetoed

VETO MESSAGES

To the Members of the California State Assembly:

I am returning Assembly Bill 1625 without my signature.

I absolutely believe that the Legislature, indeed all elected officials, must base their decisions on information that is true, accurate, and complete. This bill, requiring legislative reports be submitted under penalty of perjury, only applies to individuals appointed by the Governor and confirmed by the Senate, and to the executive officer of the Franchise Tax Board and the executive officer of the Board of Equalization.

The law already protects against falsified reports to the Legislature. Department heads must take oaths of office, and various Government and Penal Code provisions set forth duties, obligations, and penalties for the accurate and truthful execution of the operation of state government. Further, the Legislature may already require individuals appearing before it to testify under oath, and false testimony is a felony.

I will consider similar legislation that applies to all written materials used in the course of legislative deliberations that applies to any official of the State, elected or appointed by the Governor, the Legislature or any other constitutional officer.

Therefore, I am unable to sign this bill

Sincerely,

Arnold Schwarzenegger

SB 600

Ortiz

Biomonitoring

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 600 without my signature.

I care deeply about the health and welfare of all Californians. Science based research is essential to better understand how the three main factors: behavior, environment, and genetics, interact to influence our health.

While the intent of this message is worthy, this bill does nothing more than require a study, and a flawed one at that. The bill will only provide a partial snapshot of chemicals present in tested participants without proper context of what the presence of specific chemical means or how it interacts with other health factors. In response, Californians may take an action that is adverse to their health and the health of their family based on incomplete information. For example, despite the facts that health experts extol the virtue and benefits of breast feeding, a new mom may choose not to breastfeed her infant for fear that a small amount of chemicals in her body may transfer to the child, depriving the infant of nutrients, disease preventing antibodies, and a reduced risk of obesity.

Any biomonitoring program must be built on a sound scientific foundation in order to provide information that can be further evaluated to direct additional research. If the program is flawed in any manner, the resources we direct towards it would essentially be wasted.

Because a properly constructed biomonitoring program could yield useful data for researchers, I am directing my Secretaries of Health and Human Services and California Environmental Protection Agencies, working with our University and academic institutions, to develop a comprehensive approach to the laudable goals of this bill.

Sincerely,

Arnold Schwarzenegger

SB 792 Chesbro

North Coast Railroad Authority

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 792 without my signature.

This bill would redirect \$5.5 million in state transportation funds originally allocated for the repayment of a federal loan which was recently forgiven. The funds are part of the \$60 million allocation to the non-operational North Coast Railroad Authority (NCRA) from the Traffic Congestion Relief Program. The bill authorizes \$1.5 million to be used for administrative expenses and the remaining \$4 million for a portion of the environmental cleanup necessary to get the railroad operational again.

Since the NCRA will not receive any less money than they originally expected, the \$5.5 million savings should revert back to the Transportation Investment Fund so that it can be allocated by the California Transportation Commission to other projects within the Transportation Congestion Relief Program.

Sincerely,

Arnold Schwarzenegger

SB 1067

Kehoe

Drinking Water

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 1067 without my signature.

California's drinking water protection program is recognized as a model program across the nation. Our system of developing Public Health Goals and Maximum Contaminant Levels to notify and protect our citizens has served drinking water customers of public water systems effectively for many years. The bill would alter that system by changing the standards to establish a Public Health Goal and consumer notification requirements for trihalomethanes and total haloacetic acids.

The current drinking water protection program establishes the Public Health Goal based on several health based factors including the impact on sensitive populations, long term health impacts, and cancer prevention. This bill elevates one specific sensitive population above all other criteria when establishing the Public health Goal. This directive skews the scientific process. Additionally, this bill has different notification requirements than other substances that have already established Public Health Goals. These different requirements could cause confusion among consumers and local water districts and add unnecessary additional expense without increasing consumer protection.

For these reasons I cannot sign this legislation.

Sincerely,

Arnold Schwarzenegger